

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 73923 / December 23, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-12805

In the Matter of

**Evergreen Investment Management
Company, LLC, Evergreen Investment
Services, Inc., Evergreen Service Company,
LLC and Wachovia Securities, LLC**

Respondents.

**ORDER DIRECTING
DISBURSEMENT**

On March 19, 2010, the Commission issued a “Notice of Proposed Plan of Distribution and Opportunity for Comment” (“Notice”) in connection with this proceeding (Exchange Act Release No. 61745). No comments were received and, on April 30, 2010, the Secretary of the Commission, pursuant to delegated authority, issued an Order approving the proposed distribution plan (the “Plan”) (Exchange Act Rel. No. 62017).

The Plan provides that the Fair Fund consisting of disgorgement, civil penalties, plus any accrued interest be transferred by the Commission to Deutsche Bank Trust Company Americas for distribution by the Fund Administrator to injured investors according to the methodology set forth in the Plan. Pursuant to the Plan, and following the issuance of Orders Directing Disbursement, the Independent Distribution Consultant (“IDC”) and the Fund Administrator, in three tranches, distributed \$33,187,407.23 to injured investors.¹ There is a significant amount remaining in the Fair Fund after the distribution of those amounts, which is considered the Residual pursuant to the Plan. Paragraph 9.18.1 of the Plan provides that any Residual shall be distributed to those Evergreen funds that incurred aggregate dilution losses of at least \$100,000 due to the alleged market timing and shall be allocated amongst these funds based on the

¹ See Exchange Act Release Numbers 63204 (October 28, 2010), 63424 (December 3, 2010), and 63814 (February 1, 2011).

proportion of aggregate dilution losses incurred by each such fund. The Residual funds have been transferred from Deutsche Bank to the Commission.

Accordingly, it is ORDERED that the Commission staff shall disburse the Fair Fund Residual of \$6,974,406.04 to be distributed in accordance with the validated payment file prepared pursuant to the Plan.

By the Commission.

Brent J. Fields
Secretary